

US EPA RECORDS CENTER REGION 5



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March 6, 2001

**VIA FACSIMILE, ORIGINAL MAILED**

Kris Vezner, Esq.  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604

**RE: Master Metals, Inc. Superfund Site  
February 23, 2001 Correspondence Regarding Oversight Billing**

Dear Mr. Vezner:

We are in receipt of the February 23, 2001 correspondence from Mr. Anthony Audia, Chief of Program Accounting and Analysis Section, EPA Region 5. Through that correspondence, EPA Region 5 has sent the Master Metals, Inc. Superfund Site PRP Group a cost recovery bill for recovery of government oversight costs at the Master Metals, Inc. Superfund Site in Cleveland, Ohio. The oversight costs claimed are for the time period of April 17, 1997 - January 31, 2000, and total \$181,013.70.

EPA's correspondence indicates that the bill has been issued pursuant to the Administrative Order by Consent, Docket No. VW-97-C-402 ("AOC"), which went into effect on April 17, 1997. The letter further indicates that payment must be sent to the Agency within thirty (30) calendar days of receipt of this bill. We received the bill on February 26, 2001.

On behalf of the Master Metals Superfund Site PRP Group, pursuant to Section VIII of the AOC, we hereby request additional backup documentation for this bill, and further request additional time to respond to the bill, without interest accruing from the date of receipt of the bill. For the reasons set forth below, we believe it is both necessary and appropriate to allow the PRP Group an additional sixty (60) days, for a total of ninety (90) days from the date of receipt, to consider the oversight bill, and pay those oversight costs which are appropriate to be reimbursed pursuant to the terms of the AOC.

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First, we need additional backup documentation in order to enable us to properly evaluate the oversight costs being claimed by the Agency. We request a copy of the SCORPIOS Reports used by the EPA to calculate the oversight costs. Second, we need documentation which will enable the PRP Group to determine what the costs are related to. As you are aware, the AOC calls for Phase I work and Phase II work, with different respondents to the AOC responsible for these phases. In order to properly allocate costs among the PRP Group members, we must be able to determine which costs are related to these different phases of work performed by the respondents identified in the AOC. Similarly, we will need to be able to determine which, if any, of the EPA oversight costs are related to the activities at the Holmden Avenue property. Finally, it is important for the PRP Group to identify any of the EPA costs relating to the brownfields redevelopment and other activities (i.e., non AOC-related costs) at the Master Metals Site.

As you are aware, there are 52 respondents to the April 17, 1997 AOC. This is a large number of parties who will each need to consider the oversight bill. With a large PRP Group, there is an unavoidably cumbersome administrative process of disseminating information to the Group members, and reaching agreement on an allocation of oversight costs. It is very likely, therefore, that the respondents to the AOC will not be able to submit reimbursement to EPA within the specified thirty (30) days of receipt of the oversight bill. Thus, we request that EPA agree that interest will not start accruing as set forth in the Agency's February 23, 2001 correspondence. In the first instance, the PRP Group needs the additional information set forth above in order to properly analyze the oversight bill itself. Moreover, an allocation must be calculated and distributed to the PRP Group members, and once agreement is reached, the monies must be collected. Obviously, even with the most diligent of efforts, this takes time, and certainly more than the thirty days contemplated by EPA's correspondence. Finally, the terms of the AOC require that EPA send the respondents a bill for oversight costs on an annual basis. Obviously, this has not occurred, since the current bill is for approximately two and one-half years of oversight costs. This time delay makes the process of responding to the oversight bill more difficult. Given the different phases of work set forth in the AOC – and the complexities of allocating costs to the different phases – the large period of time covered by the oversight bill necessitates the type of scrutiny described above.

In conclusion, once it has obtained the requested information the PRP Group will seek to promptly consider the Agency's oversight bill, and respond to the Agency in a timely manner. Given the need for additional information, and the unavoidable administrative details of informing and mobilizing a large PRP Group, we believe it is appropriate for the Agency to provide the Group an additional sixty days (for a total of ninety days) without threat of the imposition of interest on the oversight bill, in order to respond to this demand.

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Thank you for your consideration. We look forward to discussing this with you further. My direct phone number is (414)277-5537 and my e-mail address is [gjm@quarles.com](mailto:gjm@quarles.com). Alternatively, you can contact Ms. Rachel Schneider at (414)277-5829, e-mail address at [rschneider@quarles.com](mailto:rschneider@quarles.com).

Very truly yours,

**QUARLES & BRADY LLP**



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